

MEMORANDUM ON INTELLIGENCE PROVISIONS OF H. R. 3979

1. Section 104 (a) provides that the Director of Central Intelligence shall be "appointed from civilian life by the President," (page 8, line 2). It is felt that the President should not be limited in this appointment to a civilian, and it is therefore suggested that this provision be amended to read either "to be appointed by the President," or "to be appointed from military or civilian life by the President." It would appear unwise at this time to restrict the choice of the President, as he should be free to appoint either a civilian or a military Director, according to the availability of personnel.

If Section 104 (a) is amended in this manner, an additional provision should be included in the bill to protect the rank of a military appointee. A suggested draft (which would become Section 104 (b)) is submitted, as follows:

"Section 104 (b). Any officer of the Department of State or of the Foreign Service of the United States and any commissioned officer of the armed services, Coast Guard, Coast and Geodetic Survey, or Public Health Service, may be assigned to or detailed for duty as Director, Deputy Director, or other position with the Agency; and such service shall in no way affect any status, office, rank or grade he may hold or occupy in the Department of State, the Foreign Service of the United States, the armed services, Coast and Geodetic Survey, or Public Health Service, or any emolument, perquisite, right, privilege or benefit incident to or arising out of any such status, office, rank or grade, notwithstanding the provisions of Title 10 U.S. Code, Sec. 576, the Foreign Service Act of 1946, or any other law pertaining to such pay and allowances. Any such officer of the Department of State, the Foreign Service of the United States, or commissioned officer on the active list in any of the above-mentioned services, shall receive, while serving with this Agency, the pay of the State Department, the Foreign Service, or the military or other pay and allowances payable to an officer of his grade on active service, and shall be paid, in addition, annual compensation at a rate equal to the difference between the salary set forth for such position in Section 104 of this Act, and the amount of such State Department, Foreign Service or military or other pay and allowances."

The question of salary of the Director should be considered, particularly if the Director is to be a civilian. It is believed that the salary should be placed at \$15,000, which is also the salary assigned to the Chairman of the National Security Resources Board.

This document has been
approved for release through
the HISTORICAL REVIEW PROGRAM of
the Central Intelligence Agency.

MORI/HRP

200178

Date 7/3/91

HRP 89-2

HS/HC-37

This document has been
approved for release through
the HISTORICAL REVIEW PROGRAM of
the Central Intelligence Agency.

Date 7/3/91

HRP 89-2

Date 7/3/91

HRP 89-2

The record copy has been
released to National Archives
under the HISTORICAL REVIEW PROGRAM.

This is a TEMPORARY DOCUMENT
only, for the use of DCI/HS.

-2-

2. Section 104 (b) should be completely eliminated, with certain exceptions to be noted below. The functions therein described are more properly a part of a detailed Central Intelligence Agency Enabling Act, to be introduced after the completion of unification legislation. However, if it is felt by the Committee that certain functions should be outlined in the unification bill, then it would seem preferable to set forth the responsibilities of the Security Council in relation to the Central Intelligence Agency, substantially as follows:

"Section 104 (b). (1) The National Security Council, (hereinafter referred to as the "Council"), in addition to the duties and functions assigned to it by Section 101 herein, shall:

- (a) Determine policies and objectives for, and supervise and direct, the Central Intelligence Agency in the planning, development and coordination of the foreign intelligence activities of the departments and agencies of the Government, as well as in the conduct of those foreign intelligence operations performed by the Central Intelligence Agency, in such a manner as to assure the most effective accomplishment of the national intelligence objectives.
- (b) Have the right to transfer and assign responsibilities and authorities in the field of foreign intelligence between the departments and agencies of the Government.
- (c) Approve such policies which, in relation to the foreign intelligence activities of the United States, insofar as they affect the national defense and security, shall govern the intelligence activities of the various departments and agencies of the Government."

Sections 104 (b) (1), (2), and the first three lines of (3) seem unnecessary and should be included, if at all, in subsequent legislation. If it is felt that Section 104 (b) should be maintained, a subsection should be added, as follows:

"Section 104 (b) (4). Perform, by any and all means deemed effective, such foreign intelligence services of common concern as the Council determines can best be performed, or be more efficiently or economically accomplished, by the Agency."

Section 104 (b) (3) should be amended to read as follows:
 "The Agency shall have no police, subpoena, or law enforcement powers or functions concerning the internal security of the United States. The Agency shall be responsible for taking measures for protecting sources and methods used in the collection and dissemination of foreign intelligence information received by the Agency."

3. The clause included in line 25, page 8, through line 3, page 9, and Section 104 (c) should be eliminated from this bill, as they are more properly a part of subsequent enabling legislation.

-3-

4. Section 104 (d) (2), line 22, should be amended to read, "(2). The functions of the Director of Central Intelligence and the functions, personnel, property and records of the Central Intelligence Group are transferred to the Director of Central Intelligence, appointed under this Act, and to the Central Intelligence Agency respectively, and such Group shall cease to exist. The remainder of Section 104 (d) (2), page 10, lines 1 through 5, should remain as printed.